

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
DEXLON CHARLES, *on behalf of himself, FLSA* :  
*Collective Plaintiffs, and the Class,* :

Plaintiff, :

-v- :

PINNACLE TOO, LLC, d/b/a PINNACLE ELECTRIC, :  
et al., :

Defendants. :  
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22-CV-4232 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

On January 9, 2023, counsel for Defendants filed a motion to withdraw as Defendants' counsel. *See* ECF No. 38. Any opposition to the motion to withdraw — by Defendants or Plaintiff — shall be filed by **January 18, 2023**; any reply shall be filed by **January 22, 2023**.

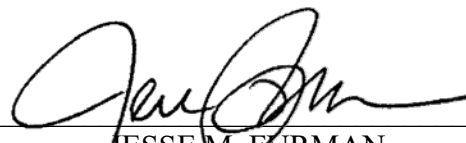
Unless and until the Court grants the motion, John K. Diviney, Kenneth A. Novikoff, and Greg Eric Mann remain counsel of record and discovery shall proceed as scheduled. Defendants are advised to begin the process of identifying new counsel because, in the event the Court grants the motion to withdraw, it will give Defendants only a limited time to obtain new counsel before deeming the individual defendants to be proceeding *pro se* (that is, without counsel) and deeming the three entity Defendants to be in default. *See Lattanzio v. COMTA*, 481 F.3d 137, 140 (2d Cir. 2007) (holding that a corporate entity may appear in federal court only through counsel); *Grace v. Bank Leumi Tr. Co. of N.Y.*, 443 F.3d 180, 192 (2d Cir. 2006) (explaining that failure to secure counsel for a corporate entity may result in a default).

If Defendants have secured or secure new counsel, new counsel shall promptly enter a notice of appearance to ensure a smooth transition of counsel in the event that the motion to withdraw is granted.

Defendants' counsel are directed to serve a copy of this order on Defendants and file proof of service on the docket within **two days** of this order.

SO ORDERED.

Dated: January 10, 2023  
New York, New York

  
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JESSE M. FURMAN  
United States District Judge